

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:05-CR-501 CAS
)
)
BRUCE PETTIS,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on defendant Bruce Pettis's pro se Motion for Termination of Supervised Release, pursuant to 18 U.S.C. § 3583(e)(1). For the following reasons the motion will be denied.

Mr. Pettis was sentenced to 70 months imprisonment and a four-year term of supervised release on the charge of conspiracy to distribute in excess of 100 kilograms of marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and 846. Defendant's sentence was reduced pursuant to 18 U.S.C. § 3582(c)(2) to 60 months imprisonment. Defendant completed his sentence and was released from federal prison on January 8, 2010, and is currently on supervised release.

On March 4, 2011, defendant filed a pro se motion for early termination of supervised release. By Order dated March 9, 2011, the Court denied the motion without prejudice and ordered that defendant "may reapply for early termination of supervised release in one year if he fully complies with all terms and conditions of supervision." Order of Mar. 9, 2011 at 2. One year has not passed since the Court denied defendant's first motion to terminate supervised release.

Discussion

Defendant Pettis moves to terminate his four-year supervised release term pursuant to 18 U.S.C. § 3583(e)(1). In support of the motion, Mr. Pettis states that he has served over 24 months supervised release, has completed all required drug programs, and has “diligently abide[d] by all the rules and regulations of the U.S. Probation Office.” Mot. at 4. Mr. Pettis requests a hearing on his motion.

In response to the Court’s request, the United States Probation Office reports that while Mr. Pettis has complied with most standard conditions of supervision and has never tested positive for the use of controlled substances, he missed four scheduled urinalysis tests in 2010 and five such tests in 2011, and has failed to submit written monthly request forms for September, October, November and December 2011. Thus, Mr. Pettis has not complied with all terms and conditions of supervision.

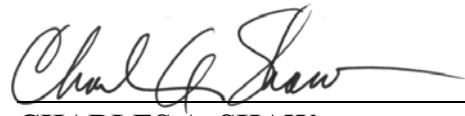
In addition, the Probation Office reports that:

Mr. Pettis has been self employed, running his family business, Pettis Construction, since beginning supervised release. In August, 2011, Mr. Pettis and Pettis Construction were featured on the local nightly news and on the Better Business Bureau web site. Mr. Pettis had been paid thousands, by several consumers, to repair homes that were damaged in the April, 2011, storms. The quality of Mr. Pettis’s work was considered to be extremely poor and amateurish and resulted in multiple complaints being filed with local officials and the Better Business Bureau. Pettis Construction received at least six city citations for a variety of building violations ranging from failing to obtain work permits to failure to obtain required inspections and substandard workmanship. Mr. Pettis is currently working with his attorney to obtain the necessary permits to complete the jobs he accepted payment for up to the required city codes and state regulations.

Based on Mr. Pettis’s failure to comply with all terms and conditions of probation and the foregoing, the Court finds that he would benefit from continued supervision. Mr. Pettis’s request for a hearing is denied.

Accordingly,

IT IS HEREBY ORDERED that defendant Bruce Pettis's Motion for Termination of Supervised Release pursuant to 18 U.S.C. § 3583(e)(1) is **DENIED**. [Doc. 40]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 18th day of January, 2012.